

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

MARINE PILE DRIVERS, LLC, ET AL.

CIVIL ACTION NO: 09-01189

VERSUS

JUDGE DONALD E. WALTER

EAST COAST MARINE PILE DRIVERS, LLC,
ET AL.

MAGISTRATE JUDGE HORNSBY

ORDER

Before this Court is a Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(2) filed on behalf of Defendants, East Coast Marine Pile Drivers, LLC, et al. [Record Document #6]. The Defendants allege that they do not have the requisite minimum contacts with the State of Louisiana. Therefore, they argue that an exercise of personal jurisdiction by this Court over the Defendants would violate the Due Process requirements of the United States Constitution and traditional notions of fair play and substantial justice.

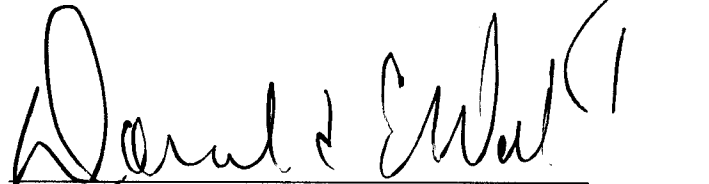
The “plaintiff bears the burden to establish the court’s jurisdiction,” and commentators agree that it is “not a heavy burden.” CHARLES ALAN WRIGHT & ARTHUR R. MILLER, 5B FED. PRAC. & PROC. CIV. § 1351 (3d ed. 2009). As in this instance, a plaintiff is only required to make a prima facie showing of jurisdiction when a district judge “restricts [his] review of the Rule 12(b)(2) motion solely to affidavits and other written evidence.” *Id.*

According to an affidavit from an individual with specialized knowledge of internet base computing attached to Plaintiff’s Opposition [Record Document #11, Affidavit of David Eleuterius], the blog, www.bettermademarinepiledrivers.com, that made the allegedly defamatory statements is controlled by the Defendant, East Coast Marine Pile Drivers, LLC. This Court relying on the

Supreme Court's guidance in *Calder v. Jones* finds that the "effects" of those statements were directed at Louisiana and more specifically the Western District of Louisiana where the Plaintiff's business is located. 465 U.S. 783, 787-88, 104 S.Ct. 1482, 1486-87, 79 L.Ed.2d 804 (1984). As such, this Court finds that its exercise of jurisdiction over the Defendants does not violate the Due Process requirements of the United States Constitution and traditional notions of fair play and substantial justice.

Upon due consideration, **IT IS HEREBY ORDERED** that the foregoing motion be **DENIED**.

Shreveport, Louisiana, this 9 day of November, 2009.

A handwritten signature in black ink, appearing to read "Donald E. Walter", written over a horizontal line.

DONALD E. WALTER
UNITED STATES DISTRICT JUDGE